IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3116 OF 2007

The State of Maharashtra ..Applicant

Vs.

Subhash Ramchandra Ambi ..Respondent

Mr. P.A. Pol, APP for applicant - State.
Mr. V.V. Pai for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : October 22, 2007.

P.C.:

1. Heard Mr. Pol the learned APP and Mr. Pai the learned counsel for the respondent-accused. The learned Special Judge at Kolhapur was pleased to acquit the accused in Special Case No. 8 of 2003 from the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and hence this application by the State for seeking leave to appeal.

2. The accused was working as a Talathi at the

relevant time and it was claimed that he demanded illegal gratification to restore Mutation Entry No. 1317 made on 3/7/2001 in the name of the complainant. It was brought on record during the trial that the said mutation entry was already set aside by the Circle Officer on 18/7/2001 with a direction to take entry in the name of the complainant in other rights column of the record of rights and not in the column of owner. It was thus clear that it was not in the hands of the Talathi to effect corrections and in deed it was a matter of an appeal to be filed by the complainant before the SDO, Karveer Division, Kolhapur. The trial court, therefore, held that even though the prosecution claimed to have arranged the trap on 21/3/2003 against the accused, the work for which the money was alleged to have ben demanded could not have been undertaken by the Talathi concerned and it ought to have been a subject matter of an appeal to the SDO. It was also noted that the accused did not do any work for the complainant and, in fact, he could not have done the work regarding the entry to be taken in the name of the complainant in the 7x12 extract which entry was set aside by the Circle Officer. Thus

the first requirement of demand for gratification was not proved.

3. Hence, the reasoning set out by the learned Judge of the Special Court does not call for reconsiderations at the hands of this court. Consequently, leave to appeal is refused and the application is rejected.

(B.H. Marlapalle,J.)